

**ARIZONA STATE PARKS
NATURAL AREAS PROGRAM ADVISORY COMMITTEE
(NAPAC)**

Minutes of the meeting held:

Thursday, October 23, 2008

at:

Arizona Game and Fish Department
555 N. Greasewood Rd.
Tucson, Arizona

A. CALL TO ORDER AND ROLL CALL

Chair Hare called the meeting to order at 2:05pm. The following people were present, and the Committee achieved a quorum.

Committee Members Present: Trevor Hare, Chair
Sheridan Stone, Vice-Chair
Don Young
John Hays (*arrived at 2:45pm*)
Phyllis Hughes
Max Castillo, ASP (*ex-officio, via telephone*)

Committee Members Absent: Linda Kennedy

Other Individuals Present: Jay Ream, Assistant Director, Arizona State Parks (ASP)
Dan Shein, ASP
Joy Hernbrode, Assistant Attorney General for ASP
Joanne Roberts, ASP
Ray Warriner, ASP

Guests: Reese Woodling, Arizona State Parks Board

B. INTRODUCTION OF MEMBERS AND STAFF

Members and Staff introduced themselves.

C. OLD BUSINESS

1. Approval of NAPAC Minutes for the July 24, 2008 meeting.

Dr. Young moved to accept the minutes with clarifications as discussed (Dan and Joanne have somewhat differing accounts). Mr. Hays seconded the motion, which carried with no further discussion.

2. Follow-up on Sonoita Creek Ranch including update on partnership meeting and presentation to ASP Board

Ms. Roberts gave NAPAC a handout of the PowerPoint presentation that will be part of the Board meeting November 21, 2008. She gave a brief overview of the property (which was discussed at some length at the July NAPAC meeting) and the partnership opportunities that exist for the purchase of the property, where NAPAC would like to see the Heritage Fund Natural Areas Program funds go. Mr. Stone went over the PowerPoint and made the following points:

- There are 588 acre/feet of water from Monkey Springs with the property;
- There are ponds up against the base of the hill;

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- There is connectivity and a potential for wildlife corridors;
- Gould's Turkey is present on the property;
- This is an important aquatic and riparian area, providing habitat for many threatened/endangered species, including Gila Chub, and Gila Topminnow;
- As for existing infrastructure, the boundary fences are in good condition, there is some internal fencing on the property, 2-2.5 acres on the north end is compacted soil, there are existing corrals, sheds and barns.

Mr. Stone noted that interested partners are the Arizona Game & Fish Dept. (AGFD), Trust for Public Land, The Nature Conservancy, Southeast Arizona Land Trust, Arizona Open Land Trust and the Collins's C-6 Ranch (which does not have any cattle on the property). He also noted that while the land had been (is?) actively grazed, the potential for rehabilitation and recovery is very high. Public access to the land is important to AGFD.

Ms. Roberts said that the area was zoned for development, and new wells would likely be for each of the home sites. The agreed goal of the partners mentioned above is to keep the land available for wildlife and the riparian ecology. Mr. Stone said that the use of the property's water would be the ecological use, which would be of maximum benefit. Following a brief discussion of the partnership's financial inputs, Mr. Stone also noted that the easy answer is for NAPAC to recommend purchasing the property, as it should be conserved. ASP should take the long view with regard to using future Heritage Fund moneys. Ms. Roberts said that the property is listed, but a formal appraisal needs to be done.

Dr. Young said that the water rights make this a valuable property. Mr. Hays said that the ground water levels fluctuate instantaneously with the flood flow. It is a highly interconnected surface and ground water situation.

Mr. Stone repeated the motion from the July NAPAC meeting. He also noted that the local community would be involved in the land management, which is a new approach. A brief discussion followed on the status of Heritage Fund dollars available to AGFD and other funds that could facilitate the purchase, as well as the possibility of a conservation easement.

Ms. Roberts noted that the last slide in the PowerPoint was the site evaluation form, showing the property as a unique opportunity to acquire an important property as well as forming the partnerships to make the acquisition. The land is important for the watershed in Santa Cruz County. Brief discussion followed on development in and around the nearby parcels, as well as what steps NAPAC is preparing to ask the Board to consider regarding entering into the purchase and the partnerships. Further information will be available prior to the ASPB meeting for Executive Staff and Mr. Woodling. Ms. Roberts noted that NAPAC is committed to this property because of its Natural Areas values.

3. Update on status of availability and acquisition of parcels within existing Verde River Greenway expansion area that NAPAC visited, evaluated and made recommendations upon
No discussion.

4. Update and discussion of Rio Rico/Avatar parcels on the Santa Cruz River
Mr. Ream noted that he is to meet with Rio Rico/Avatar on the parcels available on the Santa Cruz River. He stated that it is unlikely that ASP could purchase the properties even with a phased purchase agreement. He further stated that staff is hesitant to allocate all Heritage money to one project. Ms. Roberts asked whether or not the concerns previously noted by NAPAC in 2005 had been reconciled in recent discussions with Avatar. Mr. Ream

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noted that he is not sure which concerns but the new agreement would include 1400 acre/feet water annually for operational use. Mr. Warriner requested that Ms. Roberts forward the list of concerns to him to make sure these items are addressed. NAPAC requests a report back.

D. NEW BUSINESS

1. Discussion of Rockin' River Ranch acquisition and NAPAC's role in providing advice to the ASP Board, including interactions with ASP Executive Staff

Chair Hare opened the discussion by noting that there had been issues in NAPAC with the way Executive Staff handled the Rockin' River Ranch recommendation, presentation to the Board, and subsequent acquisition. NAPAC was left out of the discussion, which is counter to the Charge to NAPAC from the ASP Board, NAPAC's mandate, and the statute.

Ms. Roberts went on to say that NAPAC received, in 1999, a management and direction mandate from the ASP Board. The document contains thirteen points, one of which is to evaluate and make recommendations on possible acquisitions. Another charge is identify potential partners in acquisitions.

Ms. Hernbrode noted that while NAPAC's involvement in ASP acquisitions is not part of the statute, the Auditor General of Arizona had made a point of saying in its audit report that the ASP Board and NAPAC needed to follow better procedures regarding acquisitions. Dr. Young said that the definition of Natural Areas is in the statute. Ms. Hernbrode noted that the Auditor General's report is meant to help assist the agency in conforming; there is no regulatory role.

Ms. Hughes noted that the 1999 charge to NAPAC from the ASP Board outlines areas of NAPAC structure and function. She noted one particular point, which is that NAPAC is to provide assistance to the Natural Areas Program by inspecting sites, evaluating eligibility. NAPAC's role is to be advisory only, and cannot take discretion away from the ASP Board.

Mr. Stone asked about other advisory committees to the Board. Ms. Hernbrode noted that the origin and function of some committees is outlined in statute, others committees were formed by the ASP Board.

Chair Hare noted that a memo from The Nature Conservancy (TNC) showed that Rockin' River Ranch has the attributes of a Natural Area. Mr. Warriner noted that the property has 54.5 irrigation acres of water rights dating back to the 1800s; those are senior water rights. They have already been adjudicated. Mr. Warriner is not yet certain how many acre-feet per year those rights convey. Mr. Woodling noted that generally, a determination of acre-feet is based on the maximum amount for the most water-intensive crop; this is a rough estimate based on the flow of the San Pedro River. Mr. Warriner, following a brief discussion about whether the water rights are being used, noted that the Rockin' River Ranch has been using the water rights.

Ms. Hughes noted that determining how to weigh the relative merits of any prospective acquisition has been the task of the Land Acquisition, Selection and Prioritization (LASP) subcommittee this year. It is important for NAPAC to be involved in making the recommendations. Mr. Warriner said that the Ranch represents $\frac{3}{4}$ mile of riverfront with a riparian community and 80+ acres of mesquite bosque. Mr. Ream also said that Executive

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Staff felt strongly that these characteristics are the characteristics being looked for the Phase II expanded Verde River Greenway.

Chair Hare said that NAPAC had also evaluated a parcel along the Sonoita Creek. He would have liked for NAPAC to have been able to compare the two parcels. NAPAC takes its responsibility seriously. It was upsetting to NAPAC to not have been able to exercise those responsibilities. The LASP has done a great job on developing an evaluation scorecard for NAPAC to use. This will be important to use when more properties are competing for the same pot of money. Chair Hare also noted that this topic would be part of his presentation to the ASP Board on November 21. He also went on to say that NAPAC members are volunteers who work hard and expect to be involved in the greater work of Natural Areas with the ASP Board. He continued by saying that the NAPAC motion on the Sonoita Creek Ranch recommendation to the ASP Board was changed, and it should not have been. Ms. Roberts said that the NAPAC recommendation was the same, however the Staff recommendation was different.

Dr. Young said that the problem as he saw it is not whether the Rockin' River Ranch meets the Natural Areas standards, but rather that the property was purchased on the recommendation of a party outside the ASPB structure of advisory committees, and that NAPAC was "left out of the loop". This led Dr. Young to question his volunteering his time with NAPAC. Discussion followed on the role of Heather Redding from TNC and her role in presenting this property to the ASP Board. Ms. Roberts said that there had been miscommunications and misunderstandings; she felt that there could have been a follow-up meeting with NAPAC.

Chair Hare asked Staff to work with the TNC on any parcels. He said there needs to be a clear set of rules on how TNC can interact with NAPAC. Ms. Hernbrode noted that sensitive items are presented to the ASP Board via the Executive Session process. It may be possible to make an exception on who is permitted into the Executive Session for property acquisitions, however the Executive Session rules are fairly narrow. She said that one reason for this is so that the ASP Board is not disadvantaged when negotiating prices or any monetary transaction. The minutes of the Executive Session are not public, so the Seller is not involved in the discussions about price. She continued that several things had become problematic with this particular process. The ASP Board had to move quickly and quietly. She further stated that we can continue to talk about these problems or move forward and discuss where to go from this point. Ms. Hernbrode stated the Board's message is to communicate more frequently with the committees to educate the Board on their activities.

Mr. Woodling said he is here to hear NAPAC's concerns, and to look for a way to go in the future. The ASP Board needs to regularly hear from the advisory committees. This is why presentations are set on the November Board agenda. NAPAC can use this opportunity to make the Board aware of NAPAC's consulting role. He said it would be good to tell them about the evaluation process, and what NAPAC can do for the ASP Board.

Ms. Hughes said she understood that the need to keep this purchase quiet was one reason that NAPAC was not involved. What goes to the heart of the matter is that NAPAC advises on Natural Areas attributes in acquisitions and can provide the ASP Board with the relative merits of a property.

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Mr. Woodling said that there are several new Board members, and things are dramatically different with the Board since 1986. There are more advisory groups. It would be good for the ASP Board to have an in-service day with new members, as there is a huge packet of information to read. One important thing about the November meeting is the chance to get to know the advisory committees. The ASP Board cares about all the advisory committees. The committees should contact him if they have any issues. He was not aware of NAPAC's advisory role, and did discuss the matter at the October 22, 2008 ASP Board meeting.

Mr. Stone noted that NAPAC's role is to provide technical information, rather than promote a specific property. He asked for the Board and Staff to determine if there are deficiencies in the process by which advice is provided.

Chair Hare would like to address how to develop standards of messaging regarding how the Board can inform NAPAC about presentations from those outside of Arizona State Parks, so that NAPAC can be involved in the evaluation process.

Ms. Hughes said that NAPAC does not want to dissuade partners from bringing properties to the attention of the ASP Board. She asked if there is a policy on this type of situation, when a potential partner brings a property forward. The last situation she is aware of was the acquisition of Kartchner Caverns. Mr. Ream said that there were three other instances, which cannot be discussed because of pending lawsuits.

Mr. Woodling suggested that, in situations involving sensitive pieces of property, NAPAC could be involved by moving the discussion to the Executive Session (whether at a Board meeting or a NAPAC meeting). Ms. Hernbrode noted that this is a possible solution, but care needs to be taken to adhere to the Open Meeting Law. Further discussion followed on the mechanics of discussion at Executive Sessions in both ASP Board meetings and NAPAC meetings. Mr. Woodling noted that this possible solution would help with knowledge sharing and open communication.

Dr. Young noted that he wanted a previously eMailed statement on the Rockin' River Ranch acquisition be made part of the record. Ms. Hernbrode noted that anything provided in writing and disseminated automatically becomes part of the record. If the statement needs to be part of the NAPAC meeting record, this is the most effective way to present it.

2. Discuss and make recommendations for new NAPAC members

Mr. Ream provided a brief background on appointments, why the Board makes appointments in November, and the importance of being able to form a quorum for each advisory committee.

NAPAC discussed the ability of members to stay in their positions until they are replaced or until the member in question resigns, as well as taking into account staggering the length of terms new members would serve.

NAPAC members were provided with applicants' information with the agenda packet to review prior to the meeting. Chair Hare said that he feels comfortable recommending all four applicants, and that he and John Hays (whose terms expire December 31, 2008) could remain on NAPAC until a full slate of members is available.

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Mr. Hays moved to recommend all four applicants to be appointed to NAPAC, and that he or Trevor Hare remain until replacements are found. Dr. Young seconded the motion. Discussion followed on which applicant would be appointed to replace which departing member. Mr. Stone recommended an amendment to the motion identifying two applicants to serve three-year terms and two applicants to serve two-year terms. Mr. Hays and Dr. Young agreed to the amendment. The following is the recommendation for appointments: Mr. Larry Laing to replace Trevor Hare for a three-year term, Ms. Theresa Pinto to replace Linda Kennedy for a three-year term, Ms. Patty West to replace Don Young for a two-year term, and Mr. Jeff Gawad to assume the remainder of Jared Underwood's term of two years (Mr. Underwood resigned earlier this year), and John Hays to serve until another member can be nominated and approved.

Upon the vote, the motion carried with no further discussion. Chair Hare and Dr. Young will continue to serve on their respective subcommittees

3. Presentation to ASP Board on NAPAC, the Committee's Charge, and their responsibilities as per ASP Board request
No discussion.

E. SUBCOMMITTEE REPORTS

1. Natural Areas Management Guidelines (NAMG) committee: Update and report on progress
No update at this meeting.

2. Land Acquisition and Prioritization Subcommittee: Update and report
Dr. Young presented the most recent draft of the prioritization scorecard, which will be a primary tool for NAPAC. He gave a brief overview of the history, beginning with the review and adaptation of the evaluation scorecard used by the Commonwealth of Virginia. Ms. Hughes noted that this background would help put the scorecard in context for the ASP Board.

Ms. Hughes went on to note that in future, NAPAC members will have a section in the scorecard regarding legal authority on prioritization. For each criterion, there is a reference. She went on to say that the subcommittee had done a lot of "back and forth" on how to weight each criterion. This scorecard totals the criteria to 100 possible points. She discussed further points of the scorecard.

Dr. Young said that after rating a property on the scorecard, if the property does not meet the minimum rating threshold, that property will not be considered further. Categories 10 & 11 are about fire management, which is still not firm. Mr. Castillo inquired as to how NAPAC decided on the fire management criterion. Mr. Stone stated we would seek out the appropriate expertise and that these criteria rightfully have low weight. Further discussion followed on who might be able to provide information on fire management to NAPAC.

Mr. Hays noted that the scorecard seems "heavy" on management issues. Ms. Hughes said that at one time, the scorecard was mostly based on the Natural Area values. The new focus is appropriate based on the charge from the Board. Chair Hare said that the site evaluation form speaks to the Natural Area values.

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Both Ms. Hughes and Dr. Young said that the subcommittee is looking for input on the form from NAPAC members. For those NAPAC members who would like to provide comment by using the scorecard to prioritize a property, Dr. Young suggested using the Verde River Greenway properties visited earlier in 2008 as an example. Ms. Hughes asked for comments on the scorecard from NAPAC members, ASP Executive Staff and the ASPB. She asked that a target date for comments be set.

Chair Hare thought that the scorecard should be approved by the ASPB as a tool for NAPAC's use. Mr. Hays said he felt NAPAC should use any useful tools available, and that the ASPB should not become too involved in the process of how NAPAC does its function.

Further discussion followed. Ms. Hughes noted that it is timely for the ASP Board to look at the charge to the NAPAC committee. Prioritizing properties is the most important mission of NAPAC.

Mr. Hays indicated that he does not have reservations about the document and that it needs to be tested before going to Executive Staff for codification. Mr. Ream asked whether it needs to be codified through the Board. Mr. Stone replied that it does not while in a "beta" model. Mr. Ream further asked what NAPAC is working on. Mr. Shein stated that when the scorecard is finalized there will be a presentation but the Board does not have to approve the document. Ms. Hughes stated that the Board should define the role of the scorecard. Ms. Hernbrode advised that NAPAC look at the charge and readdress the issue. Mr. Ream stated that NAPAC is somewhat unique in that they advise on spending money for properties that become part of the Park system. Ms. Hughes noted that NAPAC not only recommends expenditures of money, but bases recommendations on the property's relative merit regardless if funds are available.

Mr. Stone stated that what NAPAC recommends under the Heritage Natural Areas funding is in perpetuity, which requires that NAPAC provide advice on the quality of the properties, not just the money. Mr. Ream stated that he disagreed somewhat and sees a disconnect in how Executive Staff and NAPAC view their purpose. He also noted that NAPAC sees Executive Staff as a "roadblock" to communication with the Board. Mr. Ream stated that one solution may be to appoint a liaison from the Board to attend NAPAC meetings. Ms. Hernbrode recommended continuing the discussion as part of a future NAPAC agenda.

Mr. Hays suggested testing the scorecard without changes. Ms. Hughes and Dr. Young requested comments from members before November 6, 2008. The subcommittee will meet once prior to the December 18, 2008 NAPAC meeting at which the results of the test/trial use of the scorecard will be presented. The test/trial will be conducted using a wide range of properties previously evaluated by NAPAC.

F. PUBLIC COMMENT

None.

G. BOARD COMMENTS, REQUESTS, AND ITEMS FOR FUTURE AGENDAS

Item on NAPAC structure and reexamination of the NAPAC charge.

H. TIME AND PLACE OF FUTURE MEETINGS

December 18, 2008 as per schedule.

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I. ADJOURNMENT

Chair Hare adjourned the meeting at 5:00pm.

Prepared by Ruth Shulman on November 12, 2008, and reviewed by Joanne M. Roberts, Arizona State Parks NAPAC Coordinator.

APPROVED BY A UNANIMOUS VOTE OF THE NATURAL AREAS PROGRAM
ADVISORY COMMITTEE ON DECEMBER 18, 2008

Affirmed by:

/s/ Trevor Hare
Trevor Hare, Chair

Date: December 18, 2008